

Appl. No. 10/564,824

**Remarks/Arguments**

This is a response to the Final Office Action mailed November 15, 2007 wherein claims 1-9 and 11-17 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In this respect, claims 1 and 14 have been amended to overcome this rejection. It would be appreciated if the Examiner would indicate the acceptance of this amendment in the next office action. In view of the foregoing, withdrawal of the rejection under 35 U.S.C. 112 is respectfully requested.

Claims 1-9 and 11-17 have been rejected under 35 U.S.C. 103(a) as being obvious and therefore unpatentable over Beyaert, US Patent 6,009,918, when considered in view of the teachings of Baumann et al, US Patent 6,883,554. For the reasons set forth below, reconsideration of this rejection and favorable consideration and allowance of the claims is requested.

The reference to Beyaert discloses a handle frame wherein at least one handle is provided that engages at least one catching member that is mounted to at least one cross member of the frame. Further, the reference discloses that a damping member or inset may be used that is engageable by portions of one end of the at

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least one heald as the heald is vertically oscillated. The structure is similar to the prior art discussed in the Brief Description of the Related Art portion of the present application as only a single damping member is provided that is engageable with only one end portion of the heald. Thus, the heald and the cross members are still subject to being vibrated when engaged.

The Examiner has noted in the Final Office Action that "Beyaert does not show damping elements that provide the 'double points of engagement' described by applicant in the remarks of response dated 1/18/2006." In this respect, the Examiner states that the reference to Baumann et al does disclose damping elements 4 and 4' that are used to greatly reduce stresses in the heddle frame due to machine vibrations.

The Examiner proposes to add the damping elements 4 and 4' of Baumann et al to the Beyaert dampening system in order to have a resultant system with 'double points of engagement.' However, there is nothing in the Baumann et al patent that teaches or suggests providing 'double points of engagement.' In fact, the reference teaches away from such a relationship and specifically teaches only one point of engagement. The Examiner's attention is directed to Fig. 5 of the reference wherein when the upper bar

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2 comes into contact with the upper end of the heddle 3, the lower end of the heddle is spaced at a distance  $d > 0$  from the damping means 4', see the discussion at line 35 of column 6 of the patent.

Both claims 1 and 14 of the present application include the limitation "the compression zones and traction zones being spaced relative to one another such that [[when]] the compression zone of the first end of the at least one heald engages the at least one damping means, the traction zone of the second end of the at least one heald simultaneously engages a first adjacent catching member." Such a relationship is not disclosed in either of the references. Further, the inclusion of damping elements 4 and 4' in Beyaert does not result in such a relationship especially wherein Bowmann et al teaches that it is necessary to create spaces "d" and "k" that must be greater than zero.

As the present invention causes both of the ends of the heald to be engaged with an opposing catching member or damping element carried by a catching or cross member at the same time, vibrations and bending of the cross members and wear on the healds is substantially reduced. In view of the foregoing, it is respectfully requested that claims 1-9 and 11-17 should be in

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condition for allowance and thus favorable consideration and allowance of the claims is solicited. It is believed that this amendment should be entered after the Final Office Action as it does not raise new issues that would require further searching by the Examiner and as the amendment places the claims in condition for allowance.

Should the Examiner have any questions regarding this response, the amendments submitted herewith, or the allowability of the claims, it would be appreciated if the Examiner would contact the undersigned attorney of record at the telephone number provided below for purposes of facilitating the further prosecution of this application.

Respectfully submitted,

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By  \_\_\_\_\_

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